

335-2-3-.05 Agenda and Public Participation.

(1) For any regularly scheduled meeting, the Chair of the Commission shall cause to be published a draft agenda on the Department website and forward it to the other Commission members at least 30 (thirty) days prior to the Commission meeting. Included in the agenda shall be the consideration of the previous meeting's minutes, a report from the Director, committee reports, any pending recommendation from a hearing officer and other matters within the jurisdiction of the Commission. ~~Requests from members of the public to appear before the Commission shall be attached to the agenda.~~

(2) In order for the Commission to be better prepared on the subjects to be discussed, members of the public wishing to make presentations ~~speak~~ at regularly scheduled Commission meetings must first submit to the Commission Office a written request along with a description of their presentation matter ~~they wish to raise before the Commission~~. Written requests must include the name, address, telephone number and, if applicable, the email address of any and all persons who wish to deliver presentations before ~~address~~ the Commission as well as a description of the matter to be presented ~~discussed~~. Written requests from members of the public wishing to make presentations appear before the Commission must be received by the Commission Office not later than 14 (fourteen) days prior to the next regularly scheduled meeting of the Commission. Such submissions shall be in writing and delivered by hand, U.S. Mail, facsimile, email or private express delivery service. ~~The Chair of the Commission, or designee, shall notify those persons requesting an opportunity to address the Commission in writing as to the proposed disposition of their request.~~ The Commission may, at its discretion, approve, deny, and/or table presentation requests. The Chair of the Commission shall have the final agenda published along with the list of persons requesting to make presentations who will appear and the subjects to be ~~they will~~ addressed on the Department website and at the Commission office at least 7 (seven) days before the Commission meeting. The Commission shall set reasonable time limitations on public appearances before the Commission.

(3) After consideration of agenda items the Commission may consider comments from the members of the public. While the Commission encourages public participation at its meetings, for reasons of fairness and due process to the parties in administrative and legal proceedings involving the Commission, it specifically discourages the members of the Commission from engaging in the non-deliberative discussion of any case or legal proceeding pending before the Commission, or of any decision by the Commission or matter involving the Commission or Department that is the subject of ~~in~~ any ongoing case or legal proceeding ~~pending appeal before the Courts of this State~~. Parties to such proceedings and members of the general public shall not be permitted to use the public participation opportunities herein provided by the Commission to circumvent administrative or judicial procedures which specify the time and manner of presenting testimony, evidence, or comment to the Commission in a formal manner designed to provide due process to all parties.

(4) Members of the public wishing to appear before the Commission are encouraged to carefully observe the Commission's "Guidelines for Public Comment" applicable to this Rule. This is in order to facilitate the exchange of information between the Commission and the public in a manner that will enable the Commission to better serve the people of this state and their environment. The "Guidelines for Public Comment" shall be available on the Department's website and at the Commission Office.

(5)~~(4)~~ With the exception of a request for a stay of administrative action pending hearing, no item shall be added to the agenda that has not been submitted to the Commission's Executive Assistant at least 7 (seven) days prior to the Commission meeting.

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Statutory Authority: Code of Alabama 1975, § 22-22A-6.

History: May 22, 1998.

Amended: July 25, 2003; January 28, 2004; April 4, 2006; XXXXX, 2016.